

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

600 LB GORILLAS, INC.,

Plaintiff,

v.

FLDDBROOK FOODS CORP. and MISTER
COOKIE FACE, LLC,

Defendants.

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Civil Action No. 15-cv-13991-ADB

VERDICT FORM

I. 600 LB GORILLAS' CLAIMS

A. Contract Claims

1. Did 600 lb Gorillas prove by a preponderance of the evidence that Mister Cookie Face breached the parties' contract?

Proven ✓ Not proven ____ (check one)

2. Did 600 lb Gorillas prove by a preponderance of the evidence that Mister Cookie Face breached the covenant of good faith and fair dealing?

Proven ✓ Not proven ____ (check one)

3. Did 600 lb Gorillas and Fieldbrook Foods enter into an enforceable contract for the production of ice cream sandwiches according to agreed-upon specifications?

Yes ✓ No ____ (check one)

If "no," go to Question 6.

4. Did 600 lb Gorillas prove by a preponderance of the evidence that Fieldbrook Foods breached the parties' contract?

Proven ____ Not proven ☒ (check one)

5. Did 600 lb Gorillas prove by a preponderance of the evidence that Fieldbrook Foods breached the covenant of good faith and fair dealing?

Proven ☒ Not proven ____ (check one)

B. Negligent Misrepresentation

6. Did 600 lb Gorillas prove negligent misrepresentation by a preponderance of the evidence as to Mister Cookie Face?

Proven ☒ Not proven ____ (check one)

7. Did 600 lb Gorillas prove negligent misrepresentation by a preponderance of the evidence as to Fieldbrook Foods?

Proven ☒ Not proven ____ (check one)

If you did not check "Proven" in response to any of the questions above (Questions 1-7), go to Question 10.

8. If you checked "proven" in response to question 1, 2, or 6:

What amount of money will fairly and adequately compensate 600 lb. Gorillas for damages caused by claims you have found proven as against Mister Cookie Face (Questions 1, 2, or 6)?

\$ 580,000 (Amount in figures)

five hundred eighty thousand (Amount in words)

9. If you checked "proven" in response to question 4, 5 or 7:

What amount of money will fairly and adequately compensate 600 lb. Gorillas for damages caused by claims you have found proven as against Fieldbrook Foods (Questions 4, 5 or 7)?

\$ 145,000 (Amount in figures)

one hundred forty-five thousand (Amount in words)

C. 93A

10. Did 600 lb Gorillas prove by a preponderance of the evidence that Mister Cookie Face committed an unfair or deceptive act or trade practice?

Proven ____ Not proven ☒ (check one)

If "Not Proven," go to Question 12.

11. Did the unfair or deceptive act or trade practice occur "primarily and substantially" in Massachusetts?

Yes ____ No ____ (check one)

12. Did 600 lb Gorillas prove by a preponderance of the evidence that Fieldbrook Foods committed an unfair or deceptive act or trade practice?

Proven ____ Not proven ☒ (check one)

If “Not Proven,” go to Question 14.

13. Did the unfair or deceptive act or trade practice occur “primarily and substantially” in Massachusetts?

Yes ____ No ____ (check one)

D. Veil Piercing

14. Did 600 lb. Gorillas prove by a preponderance of the evidence that the facts of this case warrant the piercing of the corporate veil?

Proven ____ Not proven ☒ (check one)

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II. MISTER COOKIE FACE'S CLAIMS

E. Contract Claims

15. Did Mister Cookie Face prove by a preponderance of the evidence that 600 lb Gorillas breached the parties' contract?

Proven ☒ Not proven ☐ (check one)

16. Did Mister Cookie Face prove by a preponderance of the evidence that it is entitled to recover from 600 lb Gorillas on a theory of quantum meruit?

Proven ☒ Not proven ☐ (check one)

17. Did Mister Cookie Face prove by a preponderance of the evidence that it is entitled to recover from 600 lb Gorillas on a theory of promissory estoppel?

Proven ☐ Not proven ☒ (check one)

F. Negligent Misrepresentation

18. Did Mister Cookie Face prove negligent misrepresentation by a preponderance of the evidence as to 600 lb Gorillas?

Proven ☐ Not proven ☒ (check one)

If you did not check "Proven" in response to any of the questions above (Questions 15-18), go to Question 20.

19. What amount of money will fairly and adequately compensate Mister Cookie Face for damages caused by claims you have found proven?

\$ 270,785.37 (Amount in figures)

two hundred seventy thousand, (Amount in words)
seven hundred eighty-five dollars and
thirty-seven cents.

G. 93A

20. Did Mister Cookie Face prove by a preponderance of the evidence that 600 lb Gorillas committed an unfair or deceptive act or trade practice?

Proven ____ Not proven ☒ (check one)

If "Not Proven," your deliberations are concluded.

21. If "Proven," did the unfair or deceptive act or trade practice occur "primarily and substantially" in Massachusetts?

Yes ____ No ____ (check one)

August 17, 2018
Date


Foreperson